REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 25, 2002. Applicant respectfully requests reconsideration and favorable action in this case.

Claims 1-17 stand rejected under 35 U.S.C. § 103 as being anticipated by Havens, U.S. Pat. No. 5,909,669 ("*Havens*") in view of Powers, U.S. Pat. No. 6,044,368 ("*Powers*"). As the *Powers* '368 patent has an effective filing date less than one year prior to the effective filing date of the present Application and does not claim the same patentable invention as claimed herein, attached herewith is a Declaration Under 37 C.F.R. §1.131 stating that the claimed invention was conceived and reduced to practice prior to the effective filing date of the *Powers* '368 patent. Accompanying the Declaration Under 37 C.F.R. §1.131 is supporting documentation with dates redacted. Also attached herewith is a Declaration of Facts from Samir A. Bhavsar summarizing the efforts to obtain execution of the Declaration Under 37 C.F.R. §1.131 by the inventors. Therefore, Applicants respectfully submit that the *Powers* '368 patent can not be used to support a rejection of the claims.

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of Claims 1-17.

An extension of time of two (2) months is respectfully requested to file this Response and a Notification of Extension of Time Under 37 C.F.R. §1.136 with appropriate fee is attached hereto in support thereof.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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